



Agenda Date: 8/28/00

Agenda Item: IV-B

**STATE OF NEW JERSEY**

***Board of Public Utilities***

*Two Gateway Center  
Newark, NJ 07102*

**CABLE TELEVISION**

IN THE MATTER OF THE PETITION OF )  
CABLEVISION OF NEW JERSEY, INC. FOR )  
RENEWAL OF A CERTIFICATE OF )  
APPROVAL TO CONTINUE TO OPERATE )  
AND MAINTAIN A CABLE TELEVISION )  
SYSTEM IN THE BOROUGH OF )  
BERGENFIELD, COUNTY OF BERGEN, )  
STATE OF NEW JERSEY )

**RENEWAL  
CERTIFICATE OF APPROVAL**

DOCKET NO. CE99120965

Schenck, Price, Smith & King, Morristown, New Jersey, by Sidney A. Sayovitz, Esq., for the Petitioner.

Borough Clerk, Borough of Bergenfield, New Jersey, by Joseph Hess, for the Borough.

**BY THE BOARD:**

On July 18, 1974, the Board granted Cablevision Systems Corporation, d/b/a Cablevision of Bergenfield ("Petitioner") a Certificate of Approval in Docket No. 7312C-5068 for the construction, operation and maintenance of a cable television system in the Borough of Bergenfield ("Borough"). On December 31, 1990, the Board approved the renewal of the Petitioner's Certificate of Approval in Docket No. CE89100831, for a term of ten years. Although the Petitioner's Certificate expired on July 18, 1999, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on or about October 29, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance on September 28, 1999, granting renewal municipal consent to the Petitioner. The Petitioner formally accepted the terms and conditions of the ordinance on November 5, 1999, in accordance with N.J.S.A. 48:5A-24.

On December 29, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds the duration to be reasonable.
5. The Petitioner agreed to extend service to any residence, in any residentially zoned areas within the Borough, at tariffed rates for standard and non-standard installation. The Petitioner shall provide service to non-residential areas by utilizing the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum home per mile ("HPM") figure is 20. Commercial entities shall be installed at tariffed commercial rates.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner will maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current office is located at 5 Legion Drive in the Borough of Cresskill, New Jersey.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner will provide public, educational, and governmental ("PEG") access services, technical support, training and facilities as described in the application and the municipal consent ordinance. The Petitioner

shall provide one channel to be used for PEG access programming as well as use of portable video equipment and a fully equipped studio in its Bergen system, currently located in Fair Lawn, New Jersey.

11. The Petitioner shall provide technical assistance, upon the request of the Borough's Board of Education, at no cost, if the Board of Education implements a course in video production. Furthermore, if either the Borough or the Board of Education decides to broadcast live from the Municipal Complex or the Board of Education's administrative facility, the Petitioner shall install and maintain at each location, the appropriate outlet and/or modulator to broadcast from such locations to the Borough's subscribers.
12. The Petitioner shall provide free-of-charge, the installation of one outlet and basic cable service to each school, the public library and the teen center in the Borough. Each additional outlet installed, if any, shall be paid for by the institution requesting the same on a materials plus labor basis. The Petitioner shall provide unlimited free outlets of its family cable service to each school, provided that the school pays for any installation beyond the first outlet installed.
13. The Petitioner currently offers a senior citizens/disabled discount for persons meeting the eligibility requirements pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20. The Borough has requested that the Petitioner continue to offer the discount throughout the franchise term.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17 and 28, the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire July 18, 2009.

DATED: August 29, 2000

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

HERBERT H. TATE  
PRESIDENT

(signed)

CARMEN J. ARMENTI  
COMMISSIONER

(signed)

ATTEST:

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

FRANCES L. SMITH  
BOARD SECRETARY